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is for reference purposes only.**

Justice Bulletin

Montana Board of Crime Control

*A Publication of the Montana Board of Crime Control 3075 North Montana Avenue, Helena, MT 59620-1408
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Request for Proposals (RFP)

#08-11 (G) Multi-jurisdictional Narcotics Enforcement Task Forces

Proposal Deadline: July 7, 2008 at 5:00 p.m.

Project Dates: July 1, 2008 to June 30, 2009

Note: It will be in the applicant's best interest to submit their applications as soon as possible. If all anticipated applications are received prior to the proposal deadline, the application processing may be started prior to the deadline and awards may be made sooner.

I. Introduction

The Montana Board of Crime Control is soliciting continuation proposals for existing Multi-jurisdictional Narcotics Enforcement Task Forces from agencies of government to implement Montana's anti-drug abuse strategy.

II. Purpose of Grant

This RFP will assist local units of government to fund existing multi-jurisdictional drug task forces that integrate federal, state and local drug law enforcement agencies and prosecutors efforts for the purpose of enhancing interagency coordination and intelligence and facilitation of multi-jurisdictional investigation.

III. Eligibility

All local agencies that already receive funding from the MBCC for multi-jurisdictional drug task forces and wish to continue their program. Expenditures made under the BYRNES grant are eligible under the JAG grant. If the SAA wishes to fund a project that will be administered by the state but benefit local governments, then this project may be considered part of the pass-through amount if each local jurisdiction that benefits voluntarily signs a waiver. This waiver must be signed by a budget authority such as a county commissioner or mayor and should certify that the local jurisdiction understands that the funds in question are set aside for local government use, believes that this program is for local benefit, and understands funding at the state level is a convenience to local government.

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IV. Late Applications

The first late submittal for continuation grant applications will require appearance before the Board of Crime Control to request consideration. Second late submittal requires the application be returned and not considered during current cycle.

V. Budget/Match

For the period of FY 2009 (July 1, 2008 through June 30, 2009), The Montana Board of Crime Control (MBCC) has not yet received the Bureau of Justice Assistance (BJA) official allocation award letter for the Justice Assistance Grant (JAG) award. The Board predicts the funding level available to the Task Forces to be **\$409,535.00**. This funding level is not final and is subject to change depending upon the final federal allocation amount to the MBCC and the availability of federal funds. A final determination of the Task Force awards is unavailable at this time.

Applicants must apply according to the funding level stated above in this RFP and present a realistic and reasonable budget to validate the amount of funds requested. Upon the MBCC receiving the BJA funding award letter, a determination of the final awards pertaining to each Task Force will be made. Task Forces must realize that the amount of funding they receive will be reliant upon the number of applications and the dollar amount of the final federal allocation, the MBCC receives.

No match will be required in this Justice Assistance Grant RFP however, a local match is strongly encouraged.

VI. Funding Period

Programs have 1 year (July 1, 2008 – June 30, 2009) in which to implement the project and use the funds awarded. Upon the condition that your grant application was approved, any pre-agreement costs within the scope of the grant dating back to July 1, 2008, will be considered by the MBCC for reimbursement from the requesting agency's award allocations.

Continuation funding is considered on a year-to-year basis. Each project must submit an application every year. Continuation funding is not guaranteed and the Board of Crime Control will determine the amount of each award.

VII. Limitations and Fund Use

Review the following list carefully. If you have any questions, call prior to submitting your proposal.

- 1) Purchase of equipment must be incidental, integral, and necessary for the project.

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- 2) Construction, in general, is prohibited.
- 3) Land acquisition is prohibited.
- 4) Supplanting is prohibited (**refer to attached supplanting definition**).
- 5) Consultant costs are limited to \$450 per 8-hr day without additional approval or bidding.
- 6) State rates are to be used for calculating mileage, per diem and lodging.
- 7) Indirect costs are not allowed.
- 8) Rental costs are limited to fair market value for similar facilities in your locality. Rental rates in excess of this amount will need special approval.
- 9) General salaries and personnel costs are allowable; overtime cannot exceed 10 percent of the personnel budget.
- 10) Funds may not be expended or obligated prior to July 1, 2008.
- 11) Purchase or lease of vehicles is not permitted. Mileage will be allowed at the current approved state rate.
- 12) Uniform allowances will not be permitted.
- 13) Buy money, Purchase of Evidence/Purchase of Information (referred to as PEPI or Confidential funds) no longer have a limit, but any increase over the FY 2007 award must come from within your budget. A line-item transfer can be requested during the project year from within your existing budget in order to increase PEPI funds. In addition, confidential funds must follow certain federal and state accounting guidelines. **Any activity using buy money must comply with federal and state guidelines, regardless of the source of the buy money and must be reported quarterly to the MBCC.**
- 14) If your agency receives less than \$500,000 per year in total federal assistance, you will not be required to arrange for an audit and may not charge audit costs to your grant. (*Note: Agencies receiving \$500,000/yr or more in total federal assistance will be required to have an audit performed in accordance with federal circular A-133. Costs for such an audit should be charged proportionately to all programs being audited.*)

Note: Food and beverage items may be allowable if costs meet these guidelines: 1) the food and beverage are incidental to a work-related event; 2) the costs are documented and reasonable; and 3) food and beverages are not directly related to amusement and/or social events. MBCC will approve such items only if the applicant justifies the expense as a clear benefit to the grant project. The federal Office of Justice Programs discourages approval of expenses for "working lunches;" therefore, we would recommend that you **not** include such items in a request. All food and beverage items must receive prior approval from MBCC.

VIII. Application Requirements

All successful applicants for grant award funds from MBCC must agree to the following:

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✍ Submit quarterly narrative, data and financial reports in the prescribed format according to MBCC time frames. **Quarterly reports also mean reporting all, income, Asset Seizures and Forfeitures and Buy Money Expenditures regardless of the source of the buy money.**

✍ Submit an annual report.

Eligibility Period. Congress has established a 48-month eligibility period for all projects except multi-jurisdictional task forces. Waiver of the 48-month limit requires that projects meet all criteria as established by the Montana Board of Crime Control.

A) Multi-jurisdiction task forces must be comprised of law enforcement representatives from five or more counties. A reservation will count as a county. A county or reservation may belong to more than one jurisdiction.

B) Enter into a written, annual, inter-local agreement with all participants. Law enforcement from incorporated cities within the regional boundaries must document their knowledge of the task force if they are not active participants.

C) Include the following in a Narrative Report with the Needs Statement:

- 1) **Provide a progress report for your FY 2008 project Goals and Objectives.**
- 2) **Provide an update of your “2008 threat assessment” and indicate how your taskforce plans to respond the threats outlined in your assessment.**
- 3) **Provide a report on the number of cases your taskforce has worked with HIDTA, other drug taskforces, prosecutors, tribes, and other state and federal agencies. In your report provide specific examples of the outcomes and successes of this interagency coordination and the results of each case.**
- 4) **Provide the number of cases your drug taskforce has referred to federal prosecutors and the number accepted for federal prosecution. If the case was rejected explain the reasons why.**
- 5) **Provide a description of the impact that your drug taskforce has had on drug availability, deterrence and public awareness in your area of operations and statewide.**
- 6) **Provide a complete disclosure of all federal, state, local and private sources of funds including forfeiture, seizure and potential future funds.**
- 7) **Provide a copy of your policy on expenditure of forfeiture funds.**

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- 8) Report on active cases and cases closed in State 2007 Fiscal Year (July 1, 2007 through June 30, 2007) the following information:
- a. Cases referred for prosecution to state and local courts and which office they were referred to,
 - b. Other crimes charged and referred for prosecution related to the drug charge,
 - c. Cases that resulted in prosecution in the above courts and the outcomes, i.e., conviction and sentencing information on each case,
 - d. The drug amounts involved in each case,
 - e. If a seizure occurred, what assets were seized and the value(s). If a forfeiture occurred, what assets were forfeited and the value(s),
 - f. The number of cases where weapons were seized relative to your investigation,
 - g. The number of drug-endangered children involved in your cases and their disposition.
- 9) Provide letters of support from the local officials (example; schools, city and county) in the area where your taskforce operates. The letters should address the impact and outcomes of the taskforce in the effected community or county.
- 10) Sustainability plan – Each of the Multi-jurisdictional Drug Task Forces must report on their progress with implementing their sustainability plan that identifies how they will continue to operate should grant funding be reduced or eliminated. List potential alternate sources of funding/services or provide assurances that the task force will become part of the parent government budget.

IX. Special Requirements

IMPORTANT APPLICATION INFORMATION

Applications will now be accepted only through MBCC's Online Subgrant Application System (OSAS). Visit our web site at mbcc.mt.gov and click on the grants link on the green header to access instructions and to register.

The majority of the application can be submitted online, however, the following MUST BE MAILED:

- Inter-local Agreement with signatures
- Signature page with original signatures
- Letters of support

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Each of the Multi-jurisdictional Drug Task Forces will insure that it complies with the terms of the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Award Continuation Sheet, Special Condition mitigation measures.

SPECIAL CONDITIONS

Mitigation of Health, Safety, and Environmental Risks:

This special condition facilitates compliance with the provision of the National Environmental Policy Act (NEPA) relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories [hereinafter, “meth lab operations”]. No monies from this award may be obligated to support meth lab operations unless the Grantee implements this special condition.

1. Provide medical screening of personnel assigned or to be assigned by the grantee to the seizure or closure of clandestine methamphetamine laboratories;
2. Provide Occupational Safety and Health Administration (OSHA) required initial and refresher training for law enforcement officials and all other personnel assigned to either the seizure or closure of clandestine methamphetamine laboratories;
3. As determined by their specific duties, equip the personnel with OSHA required protective wear and other required safety equipment;
4. Assign properly trained personnel to prepare a comprehensive contamination report on each seized/closed laboratory;
5. Utilize qualified disposal personnel to remove all chemicals and associated glassware, equipment, and contaminated materials and wastes from the site(s) of each seized laboratory;
6. Dispose of the chemicals, equipment, and contaminated materials and wastes at properly licensed disposable facilities or, when allowable, at properly licensed recycling facilities;
7. Monitor the transport, disposal, and recycling components of subparagraphs numbered 5 and 6 immediately above in order to ensure proper compliance;
8. Have in place and implement a written agreement with the responsible State environmental agency. The Agreement must provide that the responsible State environmental agency agrees to (i) timely evaluate the environmental conditions at and around the site of a closed clandestine laboratory and (ii) coordinate with the responsible party, property owner, or others to ensure that any residual contamination is remediated, if determined necessary by the state environmental agency, and in accordance with existing State and federal requirements; and
9. Have in place and implement a written agreement with the responsible state or local service agencies to properly respond to any minor, as defined by state law,

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at the site. This agreement must ensure immediate response by qualified personnel who can (i) respond to the potential health needs of any minor at the site; (ii) take that minor into protective custody unless the minor is criminally involved in the meth lab activities or is subject to arrest for other criminal violations; (iii) ensure immediate medical testing for methamphetamine toxicity; and (iv) arrange for any follow-up medical tests, examinations, or health care made necessary as a result of methamphetamine toxicity.

The Board has developed the **Montana Board of Crime Control Multi-jurisdictional Drug Task Forces Clandestine Methamphetamine Laboratories Mitigation Plan** to address this Special Condition. This plan will go into effect at the beginning of the state fiscal year after all parties have reviewed and signed an update to this plan.

X. Selection Process

The staff of the MBCC will conduct an initial screening of the proposal to check for completeness of the application. The fiscal staff and program managers will summarize the grant and technical information.

The Board of Crime Control Anti-Drug Committee will review all proposals. A summary of their recommendations will be presented to the Board for final action.

XI. Uniform Crime Reporting

If the grant is for a law enforcement agency, the law enforcement agency must be reporting Uniform Crime Data to the Board of Crime Control. The crime data must be compliant with the Montana Incident Based Reporting (MTIBR) standards and policy. If an agency is not yet compliant and has plans to become compliant, they may submit a Memorandum of Understanding (MOU) and the board will decide if the MOU would justify a waiver until the agency becomes compliant. Contact staff if you are unsure of your status. For more information please contact Jimmy Steyee at (406) 444-4298 jsteyee@mt.gov

Agencies needing crime data to complete their applications can locate that information at <http://mbcc.mt.gov>

XII. Awards & Appeals

Immediately following the review of the applications by the Board of Crime Control Anti-Drug Committee, a notice will be sent to the applicant agencies with the recommendation that will be presented to the Board. **It should be noted that this recommendation is not a formal notice of the award.** The final and actual awards determination and amount will be made by the Board and sent out in an award letter.

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In the case where the Board of Crime Control Anti-Drug Committee recommends a grant application for denial, the applicant may, if there are substantive reasons, appeal the recommendation to the full Board. Notice of appeal must be made in writing to the Executive Director of the Board of Crime Control at least 10 days prior to the Board meeting and a representative must appear before the Board at the next meeting.

XIII. Application Procedures

APPLICATION PROCEDURES

Go online at www.mbcc.mt.gov and click on “Grants” on the green header to access instructions and registration information for completing your new online application. The majority of the application can be submitted online, however, **inter-local agreements with signatures, application signature page with original signatures and letters of support must be mailed.** Your submission will be considered complete only if the online application is submitted **and** the mailed documents are postmarked **by the deadline.**

Who to Call for Assistance: Please call our front office if you need assistance with online registration or submission of the online application at 444-2002 and speak with Kristel Matchett. **THE FIRST TIME YOU USE THE ONLINE APPLICATION SYSTEM, YOU MUST REGISTER AS A NEW USER.** If you have questions regarding application content, please contact the following:

<u>Fiscal</u>	<u>Phone</u>	<u>Program</u>	<u>Phone</u>
Glenda Grover	444-2085	Mark Thatcher	444-3605
Don Merritt	444-2076	Roland Mena	444-3615

Application Checklist. Please refer to this checklist before submitting your online application or mailing the required additional documentation.

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|---|--------------------------|
| <input type="checkbox"/> Face Sheet | online |
| <input type="checkbox"/> Executive Summary | online |
| <input type="checkbox"/> Project Budget | online |
| <input type="checkbox"/> Budget Narrative | online |
| <input type="checkbox"/> Threat Assessment and Plan | online |
| <input type="checkbox"/> Narrative Addressing the Answers to VIII (C) of this RFP | online |
| <input type="checkbox"/> Special Assurances and Conditions | online |
| <input type="checkbox"/> Inter-local Agreement with signatures | mail |
| <input type="checkbox"/> Application Signature Page
signatures | online and mail original |
| <input type="checkbox"/> Letters of support | mail |

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Deadline: Applications for **RFP #08-11** must be submitted online and supportive documentation postmarked by **July 7, 2008, at 5 p.m.** Use certified mail to guarantee receipt.

Mailing Address for items requiring mail:

Montana Board of Crime Control
3075 North Montana,
PO Box 201408
Helena, MT 59620-1408

Interested applicants are strongly advised to register online as soon as possible after receiving this RFP and to closely adhere to all deadlines and requirements. The inability to abide by deadlines is considered to be a significant reason to recommend denial of the application.

Note: It will be in the applicant's best interest to submit their applications as soon as possible. If all anticipated applications are received prior to the proposal deadline, the application processing may be started prior to the deadline and awards may be made sooner.

Receipt Verification. All applicants will be informed in writing that their application has been received and will be assigned a grant number and contact person from MBCC.

<i>Alternative accessible formats of this document will be provided upon request. Persons with disabilities who require this material in another format in order to participate in the Request for Proposal process should contact MBCC, 3075 N. Montana, PO Box 201408 Helena, MT 59620-1408. Phone (406) 444-3604 FAX (406) 444-4722 TTY (406) 444-7099.</i>
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#08-11 RFP Attachment Supplanting Definitions

Supplanting (Final Draft – 3/14/03):

Grant funds, which include matching funds, may not be used to replace state or local funds that would, in the absence of federal assistance, be available or forthcoming for law enforcement. Instead, grant funds must be used to increase the total amount of such other funds the grantee agency uses. A grant recipient may not use federal grant funds to defray any costs that the recipient is already obligated to pay.

For example, if a grantee, prior to applying to participate in the grant program, had committed to purchase 10 new computers for crime analysis, that the grantee must purchase those 10 computers in addition to any computers requested for the grant program.

(Edward Byrne Memorial State and Local Law Enforcement Assistance Program; Formula Grant Program; Chapter 2(e))

Supplanting vs. Supplementing State Funds

Block grant program design dictates the effectiveness of federal funds. To strengthen the impact of federal grant dollars, state and local governments must be motivated to use federal funds as a supplement, rather than as a replacement to their own spending. In designing block grant programs, the federal government seeks to use its funding to boost state efforts in particular program areas of national interest, instead of replacing state funding with federal funding. When states use specific purpose federal funds to free their spending for other priorities such as state programs or tax relief, the federal monies end up as a substitute for state spending, undermining the effectiveness of federal efforts to boost spending beyond current levels.

One feature of block grant programs designed to avoid this supplanting of state funds with federal monies is a maintenance-of-effort requirement to ensure continued state participation. It forces states to continue spending at a given level as a condition of receiving federal funds. If this type of requirement is tied to program growth and the rate of inflation, state spending levels can be maintained over time. But imposing maintenance-of-effort restrictions requires balancing a state's need for flexibility in program planning and implementation against the federal interest in boosting program spending overall. Another block grant design feature ties matching state funds to be proportionate to state spending. To date, only about half of the largest grants require state matching, and federal participation is frequently set at 70 percent or 80 percent.